

Notice of Allowability

Application No.

10/633,296

Examiner

Saúl J. Rodríguez

Applicant(s)

CZYSZ, MICHAEL

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed August 29, 2005.
2. ☒ The allowed claim(s) is/are 16, 18 and 22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard C. Calderwood on November 11, 2005.

The application has been amended as follows (underlined text denote changes):

On page 5 of the detailed description, line 19, change "47" to ~~48~~.

On page 5 of the detailed description, line 27, delete "44".

Substitute claim 16 (filed August 29, 2005) with the following claim:

- "16. A motorcycle comprising:
- a frame;
 - an engine coupled to the frame and including a crankshaft and a primary drive output;
 - a swingarm pivotably coupled to one of the frame and the engine;
 - a primary clutch coupling the crankshaft to the primary drive output;
 - a final output shaft coaxial with a swingarm pivot at which the swingarm is coupled to one of the frame and the engine;
 - a rear wheel rotatably coupled to the swingarm, and coupled to be driven by torque from the final output shaft; and

a slipper clutch coupling the primary drive output to the final output shaft to provide spragged torque transfer from the primary drive output to the rear wheel, and to control back-torque transfer from the rear wheel to the primary drive output by frictional clutch plate slippage, the slipper clutch including a slipper clutch shaft which is parallel with and not coaxial with the final output shaft and perpendicular to the primary output shaft, the slipper clutch shaft being engaged by gears to drive the final output shaft."

Cancel claim 21.

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Fig. 4 has been amended to change an occurrence of reference numeral "48" to -47—(see enclosure). In order to avoid abandonment of the application, applicant must make these agreed upon drawing changes.

The following is an examiner's statement of reasons for allowance: Claim 16 is allowable in view of the examiner amendment outlined above. Of particular patentable significance is the shaft orientation a slipper clutch having frictional and spragged engagement, and primary output shaft, and final output shaft. Concerning claim 18, the claim is allowable for the reasons set forth in the amendment filed August 29, 2005. Specifically, the claim has been amended to recite a combination that was deemed allowable in the Office Action mailed April 29, 2005. The resulting amended combinations are not shown or taught by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

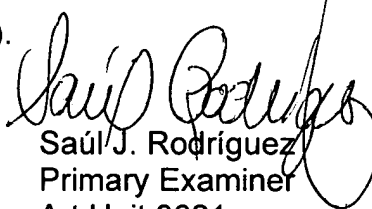
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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saúl J. Rodríguez whose telephone number is (571) 272-7097. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Saúl J. Rodríguez
Primary Examiner
Art Unit 3681


SJR

Docket: MCZ005



Fig. 4